

VILLAGE COUNCIL OF WAKEMAN, OHIO
ORDINANCE NO.: 2022-O-19

SEWERAGE RATES
RC 729.49
Wakeman Codified Ord. 925.06

AN ORDINANCE DEEMING IT ADVISABLE TO CHANGE SEWERAGE RATES AND CHARGES AND AMENDING SECTION 925.06 OF THE WAKEMAN CODIFIED MUNICIPAL CODE ADJUSTING SEWER SERVICE CHARGES BASED UPON THE ANNUAL CALCULATIONS OF THE VILLAGE ENGINEER REQUIRED BY 925.06(a); AND BASED UPON THE ANNUAL AUDIT BY THE VILLAGE ADMINISTRATOR AND COUNCIL REQUIRED BY 925.06(d)

WHEREAS, the Village has installed a system of sewerage, sewerage pumping works, or sewerage treatment or disposal works for public use; and

WHEREAS, Section 729.49 of the Ohio Revised Code provides that the legislative authority may, by ordinance, establish just and equitable rates or charges of rents to be paid to the municipal corporation for the use of such services; and

WHEREAS, Section 729.49 of the Ohio Revised Code further provides that the legislative authority may change such rates or charges from time to time as is deemed advisable; and

WHEREAS, the Village of Wakeman has previously established just and equitable rates or charges for sewerage services in Section 925.06 of the Wakeman Codified Municipal Code; and

WHEREAS, the sewer service charges shall be calculated, on an annual basis, using a formula provided by the village engineer, and shall include the current year final appropriations as the basis for the formula [Wakeman Code 925.06(a)]; and

WHEREAS, the sewer charge system will be audited annually by the Village Administrator and Council with the charges being adjusted upwards or downwards in order to assure that the system is and will continue to be self-sufficient and that sufficient revenue is being generated from each user class in the proper proportions [Wakeman Code 925.06(d)]; and

WHEREAS, based upon annual service charge calculations and the annual sewer charge audit, the Village Administrator and Council have now determined that it is necessary to amend the SEWER SERVICE CHARGES set forth in Section 925.06 of the Wakeman Codified Municipal Code; and

WHEREAS, sewer rates and charges were previously adjusted by Ord. 2019-O-04, and 2021-O-17.

THEREFORE, BE IT ORDAINED, BY THE LEGISLATIVE AUTHORITY OF THE

SECTION 1. That Village Council hereby deems it advisable to change the sewerage rates and charges.

SECTION 2. That Section 925.06 of the Wakeman Codified Municipal Code, is hereby amended as follows:

925.06 SEWER SERVICE CHARGES.

(a) Rates Inside Village Corporation Limits. *The service charges shall be calculated on the volume of waste water discharged directly or indirectly into the sewage system and shall be measured by the water used by each sewer user as shown by the water meter readings. The sewer service charges shall be calculated, on an annual basis, using a formula provided by the Village Engineer, and shall include the current year final appropriations as the basis for the formula. In the event the current year final appropriations are not available at the time the calculation is made, the estimated current year appropriations shall be used as the basis for the formula.*

The sewer user charge for service inside the Village corporation limits shall consist of a minimum charge of \$20.00 per month per 1000 gallons of tank capacity discharge unit. For the first 2,000 gallons used and an OM&R (Operation, Maintenance & Repair) variable charge of \$6.75 per 1000 gallons of water used, for amounts in excess of the 2,000 gallons.

In addition, the minimum charge shall begin to accrue and be billed to the customer at the time the water meter installed.

(b) Rates Outside Village Corporate Limits. *The sewer rental charge for service outside the Village corporation limits shall pay the rate established and approved prior to receiving wastes and levied to equalize local capital costs by the Village of Wakeman.*

The sewer user charge for service outside the Village corporation limits shall consist of a minimum charge of \$21.00 per month per 1000 gallons of tank capacity discharge unit, for the first 2,000 gallons used and an OM&R variable charge of \$8.75 per 1000 gallons of water used, for amounts in excess of the 2,000 gallons.

(c) *Where a private water supply is used, the sewer user charge may be calculated by requiring the property owner to meter the private water supply, such metering to be at the property owner's expense and such measurement to be used in the same manner as a public water meter in determining the charge. The Village Administrator may, in lieu of such metering, apply a sewer charge of \$46.00 per month to such premises. Each residence, institution, commercial or industrial establishment may be subject to a separate sewer user charge even though such establishment may be served by another sewer. If any water or waste discharge measured or metered is greater than a customer is actually discharging directly or indirectly into the sewage system, the Village Administrator may modify and adjust such volume in accordance with the facts and with what justice and equity requires, but no charge less than the minimum shall be made for any customer subject to the sewer charge.*

(d) Annual Audit and Review. *The sewer charge system will be audited annually by the Village Administrator and Council with the charges being adjusted upwards or downwards in order to assure that the system is and will continue to be self-sufficient and that sufficient revenue is being generated from each user class in the proper proportions. No free service shall be provided in this service charge system unless mandated by Ohio law. Each user will be notified by the Village, at least annually, in conjunction with a regular bill, of the rates for that year and that portion of the service charge which is attributable to the user charge for operation, maintenance, and replacement of the system. In addition, rates will be reviewed and adjusted accordingly to compensate users of each class for any overage or underage accumulated during the previous rate period.*

(Ord. 2021-O-17. Passed 11-8-21.)

SECTION 3. That any and all ordinances, resolutions, or bylaws, or any parts thereof inconsistent herewith, are hereby repealed, rescinded and replaced.

SECTION 4. EFFECTIVE DATE. That the sewerage rate amendments contained herein shall become effective on January 1, 2023; to be implemented upon the first billing cycle of 2023.

SECTION 5. CODIFICATION. That once adopted, the Council Clerk is hereby authorized and directed to submit this legislation to the village codification service.

SECTION 6. PUBLIC MEETING. That it is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

PASSED AND ADOPTED on this 12 day of December, 2022.

ATTESTATION
(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.


MAYOR


FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 1 ABSTAIN: 0

First Reading: November 14, 2022
Second Reading: December 12, 2022 (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))
Third Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))


PREPARED BY AND APPROVED AS TO FORM [See also RC 731.21(B)]:

SP (JLP)
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 52 West Main Street.


FISCAL OFFICER/COUNCIL CLERK